

MISSOURI BOARD OF PHARMACY

2008 ANNUAL REPORT
July 1, 2007 through June 30, 2008



JEREMIAH W. (JAY) NIXON, GOVERNOR
STATE OF MISSOURI

JOHN M. HUFF, DIRECTOR
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

JANE A. RACKERS, DIRECTOR
DIVISION OF PROFESSIONAL REGISTRATION

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**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL
REGISTRATION
DIVISION OF PROFESSIONAL REGISTRATION
BOARD OF PHARMACY MEMBERS AND STAFF**

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BOARD MEMBERS

Gary F. Sobocinski, R.Ph., President
Elaina M. Wolzak, R.Ph., Vice President
Pamela L. Marshall, R.Ph., Member
Melissa A. Graham, R.Ph., Member
James D. Riddle, R.Ph., Member
Anita K. Parran, Public Member
Barbara A. Bilek, R.Ph., Member

BOARD INSPECTORS

Thomas Glenski, R.Ph., Chief Inspector
Michael Kidd, R.Ph., Inspector
Steven Smith, R.Ph., Inspector
Frank VanFleet, R.Ph., Inspector
Barbara A. Wood, R.Ph., Inspector
Sidney "Sid" Werges, R.Ph., Inspector
George McConnell, R.Ph., Inspector
Shawn Marshall, R.Ph., Inspector

EXECUTIVE DIRECTOR

Kimberly A. Grinston, JD

OFFICE STAFF

Tammy Siebert
Regina Divine
Don Walker
Laura Payton
Kelly Bray

Executive Assistant
Pharmacist and Intern Coordinator
Compliance Coordinator
Pharmacy Technician Coordinator
Pharmacy and Drug Distributor Coordinator

NOTE: During fiscal year 2008, Matt Blunt served as Governor of the State of Missouri; Douglas M. Ommen was Director of the Department of Insurance, Financial Institutions, and Professional Registration; David T. Broeker was Director of the Division of Professional Registration; and Debra C. Ringgenberg was Executive Director of the Board.

ORGANIZATION AND DESCRIPTION OF THE BOARD OF PHARMACY

MISSION

The Board's mission is to promote, preserve and protect the public health, safety and welfare by assuring the provision of quality pharmaceutical care to the citizens of Missouri, through the regulation of the practice of pharmacy.

ORGANIZATION

The Missouri Board of Pharmacy is an agency within the Division of Professional Registration, Department of Insurance, Financial Institutions and Professional Registration. The Board was created by House Bill No. 87 of the General Assembly of 1909. The Board consists of seven (7) persons, one who is a public member and six (6) who are licensed pharmacists actively engaged in the practice of pharmacy. At least one of these members must be a person who provides, on a full-time basis, pharmaceutical services to a hospital, skilled nursing facility or an intermediate care facility. Board Members are appointed by the Governor and hold office for (5) years from the date of their appointment and until their successors have been appointed and qualified. Board Members appointed by the Governor are subject to approval of the Senate. Annually, the Board shall organize by the election of a president, and a vice president, each of whom serves for one year. The Board maintains a record of all of its proceedings through the maintenance of minutes for both its open and closed session meetings, pursuant to provisions in Chapters 610 and 324.

The Board appoints five members to an Advisory Committee for Drug Distributors. This committee advises and makes recommendations to the Board concerning any rule changes proposed involving the drug distributor licensing program. A list of the current members of the committee is available at the Board of Pharmacy office.

The Board is an active member of the National Association of Boards of Pharmacy, and a member of District 6 in NABP.

AUTHORITY AND FUNCTION

Sections 338.035, 338.140, 338.280 and 338.350 RSMo 2000 provide the Board authority to adopt rules and regulations for the application and enforcement of Chapter 338, RSMo. The Board has superintending control over the practice of pharmacy in the State of Missouri and its primary duties consist of:

1. Examining and licensing of applicants;
2. Renewing biennially, the licenses of qualified pharmacists, pharmacies, drug distributors, and renewing annually, the licenses of intern pharmacists;
3. Registering and renewing pharmacy technicians annually.
4. Investigation of complaints involving any licensee or registrant received including public complaints, information from other state and/or federal agencies, or violations discovered during routine inspections of pharmacy and drug distributor operations;
5. Suspending, revoking, or placing on probation the license of any pharmacist, pharmacy, drug distributor, or intern pharmacist found to be in violation of Chapter 338, RSMo;
6. Placing on conditional registration and maintaining the Technician Employment Disqualification List for pharmacy technicians found to be in violation of Chapter 338, RSMo;
7. Inspection of pharmacies and drug distributors; and
8. Approval of preceptors and intern training facilities.

Publications are available through the Board of Pharmacy, including the Annual Report and the Board of Pharmacy quarterly Newsletter.

BOARD INITIATIVES

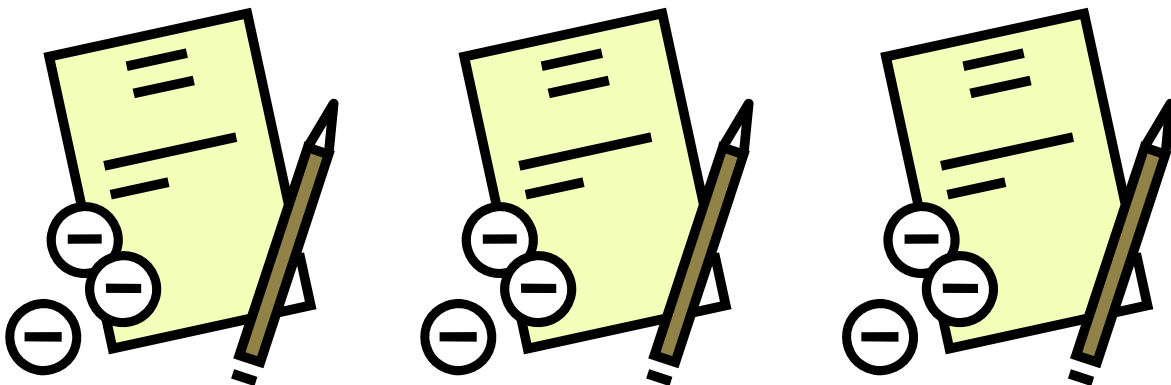
At an annual strategic planning meeting in March, the Board identified and discussed the following administrative and strategic plan issues.

Administrative Issues:

- FY07 Annual Report
- Proposed 2009 Meeting Schedule
- Conference Call Schedule
- Succession of Board Members
- Fact-finding Meetings
- Agenda format
- Technology/Automation
- Attendance of Inspectors at Board Meetings
- Additions to STLCOP Preceptor/Site List

FY09 Strategic Plan Issues:

- Improve Salaries for Executive Director and Board Staff
- Statute Change for Drug Distributor Manufacturer Registration Fee
- Alternative Standards of Care for Disaster Situations
- Decrease Drug Diversion from Pharmacies
- Better Educate Pharmacists to Promote Compliance with Regulations
- Improve Handling of Legal Cases
- Define Technician Duties and Responsibilities of Supervising Pharmacist
- Expedite Implementation of the Well-Being Committee



\$\$ FINANCIAL INFORMATION \$\$

The Missouri Board of Pharmacy's appropriation for fiscal year ending June 30, 2008 was as follows:

Personal Service	\$ 912,687
Expense and Equipment	\$ 507,348
Criminal History Fund	\$ 150,000 E
Transfers*	\$ 582,544

*Transfers include:

- Rent
- Professional Registration
- PR IT
- Licensee Refunds
- Attorney General
- Administrative Hearing Commission
- DIFP Allocated Expenses

BOARD MEETING INFORMATION

During the fiscal year ending June 30, 2008, the Board met in regular session a total of 15 days and held nine conference call meetings.



INSPECTION INFORMATION

During the fiscal year ending June 30, 2008, the board inspectors conducted a total of 1,099 regular inspections of pharmacies and drug distributors throughout the state. This total does not include additional trips to a pharmacy or drug distributor for follow-up inspections or investigations.

GOLD CERTIFICATES ISSUED

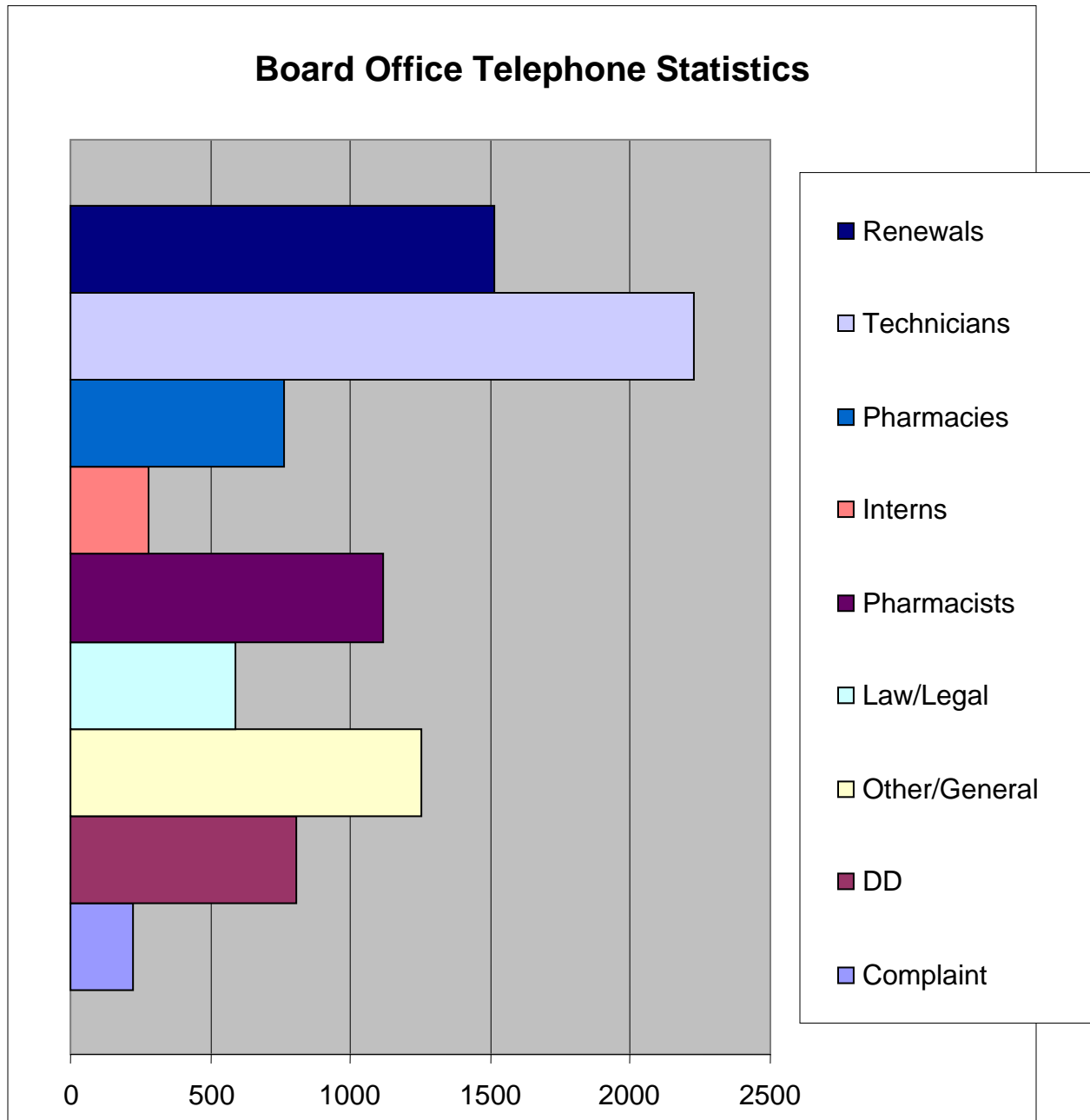
The following individuals received Gold Certificates during 2008, which are signed by the Governor of the State of Missouri, as well as by the Board Members and the Executive Director. The certificate represents fifty (50) years of active service as a Missouri pharmacist.

Barrett, Raymond H.	Springfield	MO
Coffler, Ronald S	Rockford	IL
Daschka, Donald V	Chester	IL
Dunehew, Glenn D	Covington	GA
Ferguson, Frances A	Loveland	CO
Ferguson, Harlan	Loveland	CO
Greer, Melvin R	Shelbyville	IL
Hall, Justus C	Shawnee Mission	KS
Justus, Ann H	Smithville	MO
Kimler, James W	Warrenton	MO
Langhans, Ronald A	Columbia	IL
Logan, Lloyd	Saint Louis	MO
Miller, Ted F	Gallatin	MO
Peckham, Jay E	Frankfort	KS
Robinson, Howard F	Aptos	CA
Rosen, Irwin B	Chesterfield	MO
Schneiderman, Milford	Boca Raton	FL
Seal, Robert C	Ballwin	MO
Siegel, Donald	Olivette	MO
Stark, Howard L	Overland Park	KS
Stone, Maurice	Fenton	MO
Sturges, Sidney J	Independence	MO
Welling, James	Bonita Springs	FL
Willis, Ralph J, Jr	Chillicothe	MO
Winkelmann, Daniel P, Jr	Saint Louis	MO
Young, Curtis	Saint Louis	MO



OTHER BOARD INFORMATION

During the fiscal year 2008 Board of Pharmacy office staff received and responded to 8,781 incoming telephone calls, covering a variety of subjects. The major topics are indicated in the chart shown below.



COMPOUNDED DRUG TESTING REPORT

In 2003 the Board initiated a program to test drug preparations compounded by pharmacies. All preparations are tested for potency and, if applicable, sterility and endotoxins. The tables listed below are for the fiscal year ending June 30, 2008.

Dosage Form	Tests Performed
Capsule	56
Inhalation solution	1
Injection	2
I.V. solution	12
Ophthalmic solution	1
Oral solution	1
Oral suspension	87
Powder	7
Suppository	14
Transdermal	1
Troche	4

Test Results	Tests Performed	Percentage
Satisfactory	140	75.3%
Unsatisfactory	46	24.7%
Total	186	100%

All unsatisfactory results were related to potency failures. An acceptable potency range is considered +/- 10% of the expected potency, unless a U.S.P. monograph states a different range for a specific preparation. Failing potency results ranged from 21.3% to 373.7%. Pharmacies are notified of unsatisfactory results and asked to complete a quality assurance review of their compounding practices and provide a corrective action plan.

Drugs with Unsatisfactory Results	
A-B-H-R suppositories	Lansoprazole oral suspension
Amlodipine capsules	Levothyroxine capsules
Amoxicillin capsules	Methyltestosterone capsules
Baclofen suppositories	Metronidazole oral suspension
Biest/Progesterone capsules	Omeprazole oral suspension
Biest/Testosterone capsules	Piroxicam capsules
Biest/Progesterone/DHEA capsules	Progesterone suppositories
Captopril oral suspension	Rifampin oral suspension
DES capsules	Sulfapyridine capsules
DHEA capsules	T-4 Aliquot powder
D-M-D suppositories	Tetracaine lollipops
Enalapril oral suspension	Triest/Progesterone capsules
Estradiol capsules	Triest/Progesterone troches
Gentamicin in D-5-W IV solution	Triest/Progesterone/Testosterone/DHEA capsules
HHR capsules	Ursodiol oral suspension



COMPLAINTS FILED DISCIPLINE INFORMATION

STATISTICS BELOW REFLECT TOTAL COMPLAINTS
FOR THE FISCAL YEAR ENDING JUNE 30, 2008

Total Number of Complaints Received by the Board..... 529

Breakdown of Complaint Allegations	
Alcohol and Alcohol-Impaired Behavior	1
Allowing Unlicensed Person to Practice	5
Compounding	10
Confidentiality	13
Counseling	1
Disciplinary Action in Another State	3
Dishonesty	1
Department of Revenue Tax Compliance	159
Dispensing Errors	31
Diversions	4
Drug Distribution Violations	4
Drugs and Drugs-Impaired Behavior	18
Ethical	9
Expired Drugs in Inventory	2
False/Misleading Advertising or Marketing	2
Felony	2
Fraud	1
Fraudulent Prescriptions	3
Improper Dispensing	12
Incompetence	2
Insurance Fraud	2
Licensure Applicant	42
Loss of Drugs	12
No Jurisdiction	3
Misconduct	1
Patient Endangerment	2
Pharmacy Permit Violations	64
Practicing Beyond the Scope of Practice	5
Practicing without a License	33
Samples	2
Security	4
Substitution	2
Theft of Drugs	45
Theft of Drugs – Self-Administration	1
Theft of Money	13
Unauthorized Dispensing	4
Unauthorized Refills	1
Unprofessional Conduct	3
Violation of Disciplinary Order	7

SOURCE OF COMPLAINTS

Complaints Received From Public	104
Complaints Received from Other Agencies	170
Complaints Received from Board or Inspectors	200
Complaints Received from Other State Boards	2
Complaints Regarding Licensing Issues	53

DISPOSITION

Cases Referred to Legal Counsel	75
Cease and Desist Letters Sent	1
Disposition Complete – Other	34
Individuals Requested to Meet with the Board	17
Investigations Requested/Not Complete	42
Letters of Concern Sent	35
Letters of Warning – Serious Violations Sent	46
License Approved	6
License Denied Letters	2
Miscellaneous Non-Administrative Board Letters Sent	0
No Action/Insufficient Evidence	58
Referred to Other Board/Agency	14
Technician Disqualification Letters Sent	39
Technician Conditional Employment Letters Sent	8

NOTE

Disposition numbers will not equal the number of complaints received and processed since some cases resulted in dual action; i.e., the pharmacist met with the Board and then received an administrative letter, or was referred to legal counsel for filing, etc.

DISCIPLINE

ACTIONS	
Complaints Filed with Administrative Hearing Commission	13
Disciplinary Hearings Held	3
Felony Hearings Held	3
Violation of Discipline Hearings Held	0
Settlement Agreements Entered	32
Restricted Licenses Issued Pursuant to Section 620.149	2

DISCIPLINE RESULTS	
Technician Registrations Suspended 324.010	159
Intern Licenses on Probation	2
Intern Licenses Suspended Followed by Probation	2
Intern Licenses Surrendered	1
Pharmacist Licenses Censured	3
Pharmacist Licenses on Probation	18
Pharmacist Licenses Suspended Followed by Probation	5
Pharmacist Licenses Revoked	7
Pharmacy Permits on Probation	9
Drug Distributor Licenses on Probation	6
Drug Distributor Licenses Revoked	1
Restricted Intern Licenses Issued Pursuant to Section 324.038	2
Restricted Pharmacist Licenses Issued Pursuant to Section 324.038	3
Restricted Pharmacy Permits Issued Pursuant to Section 324.038	1
Restricted Drug Distributor Licenses Issued Pursuant to Section 324.038	2
Pharmacist Licenses Voluntary Surrender	1
Pharmacy Permits Voluntary Surrender	3

NOTE

Since the time frame of cases from point of first review to the final disposition may be lengthy, the totals shown above will not necessarily balance. A case may be reviewed by the Board, referred to legal counsel, filed with the Administrative Hearing Commission and be decided by disciplinary hearing, consent order or otherwise, all in separate fiscal years.

CENSUS OF LICENSED PHARMACISTS AS OF JUNE 30, 2008

TOTAL PHARMACISTS INSTATE AND OUT OF STATE

Total Licensed Pharmacists	8,226
Active license	7,978
Male	4,191
Female	3,787
Inactive license	248
Male	143
Female	105

TOTAL NUMBER OF PHARMACISTS RESIDING IN MISSOURI

Active License – Practicing Pharmacy	5,130
Male	2,749
Female	2,381
Inactive License – Not Practicing Pharmacy	69
Male	47
Female	22

AGE GROUP BREAKDOWN OF INSTATE AND OUT-OF-STATE ACTIVE PHARMACISTS (AS OF JUNE 30, 2008)

Under the age of 30	825
Ages 30-39	2,090
Ages 40-49	1,818
Ages 50-59	1,960
Ages 60-69	908
Ages 70-79	323
Ages 80-89	52
Ages 90+	2



CENSUS OF LICENSED PHARMACIES AS OF JUNE 30, 2008

Total Licensed Pharmacies as of June 30, 2008	1,864
Instate Pharmacies.....	1,404
Non-Resident Pharmacies.....	460
Temporary Pharmacies	3



BREAKDOWN OF INSTATE PHARMACIES BY CLASSIFICATION

Class A - Retail Pharmacies	468
Class B - Hospital Pharmacies.....	105
Class C - LTC Pharmacies.....	11
Class D - Non-Sterile Compounding	1
Class E - Radiopharmaceutical	12
Class F - Renal Dialysis Pharmacies	1
Class G - Medical Gas Pharmacies	0
Class H - Sterile Products	2
Class I - Consultant Pharmacy.....	4
Class J - Shared Services Pharmacy	2
Class K - Internet	0
Pharmacies with Multiple Classifications.....	798

CENSUS OF DRUG DISTRIBUTORS/MANUFACTURERS LICENSED AS OF JUNE 30, 2008

Drug Distributors Licensed with a Permanent License	1,178
Drug Distributors Licensed with a Temporary License.....	24
Out-of-State Manufacturers Registered	92



NOTE

Any out-of-state drug company or manufacturer that ships/transfers legend drugs or devices into this state is required to obtain an out-of-state drug distributor license with this office.

Upon receipt of a license application, the company is issued a temporary license. This temporary license is valid for a period of one (1) year or until the application has been completely processed by this office, at which time, a permanent license is issued or the application is denied by the Board.

All in-state drug companies that ship/transfer legend pharmaceuticals are also required to obtain licensure with this office.

Any pharmacy that distributes legend drugs to any entity other than the consumer (the patient), such as other pharmacies, physicians, etc., must obtain a drug distributor's license if that type of distribution exceeds 5% of the pharmacy's total gross sales of legend products.

CENSUS OF OTHER LICENSEES AS OF JUNE 30, 2008

Licensed Interns	1,479
Registered Pharmacy Technicians	16,321

<p style="text-align: center;">MISSOURI BOARD OF PHARMACY INSPECTORS AND COUNTIES ASSIGNED</p>

#1 VanFleet	#2 McConnell	#3 Glenski	#4 Kidd	#5 Wood	#6 Smith	#7 Werges	#8 Marshall
Barton	Barry	Adair	Butler	Bollinger	Clark	Audrain	Benton
Bates	Christian	Andrew	Carter	Cape Girardeau	Knox	Boone	Buchanan
Cass	Douglas	Atchison	Iron	Dunklin	Lewis	Callaway	Caldwell
Cedar	Greene	Davies	Jefferson	Madison	Lincoln	Cole	Camden
Dade	Howell	DeKalb	Reynolds	Mississippi	Marion	Cooper	Carroll
Jackson	Jasper	Gentry	Ripley	New Madrid	Pike	Crawford	Chariton
St. Clair	Lawrence	Grundy	Shannon	Pemiscot	Ralls	Dallas	Clay
Vernon	McDonald	Harrison	St. Francois	Perry	Scotland	Dent	Clinton
	Newton	Holt	STL City	Scott	Shelby	Franklin	Henry
	Oregon	Linn	STL County	St. Charles	STL City	Gasconade	Hickory
	Ozark	Livingston	Washington	Ste. Genevieve	STL County	Howard	Johnson
	Stone	Mercer		STL City	Warren	Laclede	Lafayette
	Taney	Nodaway		STL County		Maries	Macon
	Texas	Putnam		Stoddard		Miller	Pettis
	Webster	Schuyler		Wayne		Moniteau	Platte
	Wright	Sullivan				Monroe	Polk
		Worth				Montgomery	Randolph
						Morgan	Ray
						Osage	Saline
						Phelps	
						Pulaski	
			Pharmacies in St. Louis City & County South of Hwy. 40	Drug Distributors in St. Louis City & County South of Hwy. 40	Pharmacies & Drug Distributors in St. Louis City & County North of Hwy. 40		